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2 UNITED STATES DISTRICT COURT  
3 DISTRICT OF NEVADA  
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7 CHARLES E. MCDONALD, JR.,

Case No. 2:19-cv-00192-RFB-EJY

8 Plaintiff

**ORDER**

9 v.

10 D. PRATER, *et al.*,

11 Defendant  
12

13 On May 18, 2021, this Court issued an order directing Plaintiff to file an amended  
14 Notice of Change of Address by Friday, June 4, 2021 and that failure to do so may result  
15 in Plaintiff's action being dismissed without prejudice.

16 District courts have the inherent power to control their dockets and "[i]n the  
17 exercise of that power, they may impose sanctions including, where appropriate . . .  
18 dismissal" of a case. Thompson v. Hous. Auth. of City of Los Angeles, 782 F.2d 829, 831  
19 (9th Cir. 1986). A court may dismiss an action, with prejudice, based on a party's failure  
20 to prosecute an action, failure to obey a court order, or failure to comply with local rules.  
21 See Ghazali v. Moran, 46 F.3d 52, 53-54 (9th Cir. 1995) (affirming dismissal for  
22 noncompliance with local rule); Ferdik v. Bonzelet, 963 F.2d 1258, 1260-61 (9th Cir.  
23 1992) (affirming dismissal for failure to comply with an order requiring amendment of  
24 complaint); Carey v. King, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (affirming dismissal  
25 for failure to comply with local rule requiring *pro se* plaintiffs to keep court apprised of  
26 address); Malone v. U.S. Postal Service, 833 F.2d 128, 130 (9th Cir. 1987) (affirming  
27 dismissal for failure to comply with court order); Henderson v. Duncan, 779 F.2d 1421,  
28 1424 (9th Cir. 1986) (affirming dismissal for lack of prosecution and failure to comply with

1 local rules).

2 In determining whether to dismiss an action for lack of prosecution, failure to obey  
3 a court order, or failure to comply with local rules, the court must consider several factors:  
4 (1) the public's interest in expeditious resolution of litigation; (2) the court's need to  
5 manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring  
6 disposition of cases on their merits; and (5) the availability of less drastic alternatives.  
7 See Thompson, 782 F.2d at 831; Henderson, 779 F.2d at 1423-24; Malone, 833 F.2d at  
8 130; Ferdik, 963 F.2d at 1260-61; Ghazali, 46 F.3d at 53.

9 Here, the Court finds that the first two factors, the public's interest in expeditiously  
10 resolving this litigation and the Court's interest in managing the docket, weigh in favor of  
11 dismissal. The third factor, risk of prejudice to Defendants, also weighs in favor of  
12 dismissal, since a presumption of injury arises from the occurrence of unreasonable delay  
13 in filing a pleading ordered by the court or prosecuting an action. See Anderson v. Air  
14 West, 542 F.2d 522, 524 (9th Cir. 1976). The fourth factor—public policy favoring  
15 disposition of cases on their merits—is greatly outweighed by the factors in favor of  
16 dismissal discussed herein. Finally, a court's warning to a party that his failure to obey  
17 the court's order will result in dismissal satisfies the "consideration of alternatives"  
18 requirement. Ferdik, 963 F.2d at 1262; Malone, 833 F.2d at 132-33; Henderson, 779  
19 F.2d at 1424.

20 The Court's order required Plaintiff to file an amended Notice of Change of Address  
21 by Friday, June 4, 2021, or Plaintiff's action may be dismissed without prejudice. ECF No.  
22 24. This order was one of several court orders for Plaintiff to update his contact  
23 information. ECF Nos. 19, 21, 26. Thus, Plaintiff had adequate warning that dismissal  
24 would result from noncompliance with the Court's order to file an amended Notice of  
25 Change of Address by Friday, June 4, 2021.

26 IT IS THEREFORE ORDERED that this action is dismissed without prejudice  
27 based on Plaintiff's failure to file an amended Notice of Change of Address in compliance  
28 with this Court's order dated May 18, 2021. (ECF No. 3).

1 IT IS FURTHER ORDERED that the Plaintiff may move to reopen this case and  
2 vacate the judgment by filing a motion for reconsideration of this order. In this motion, the  
3 Plaintiff would need to explain that circumstances which led to him not being able to  
4 update his address as directed by the Court. If the Court finds there is good cause or a  
5 reasonable explanation for the failure to update the address, the Court will reopen the  
6 case and vacate the judgment.

7 IT IS FURTHER ORDERED that the Clerk of Court will close the case and enter  
8 judgment accordingly. No other documents may be filed in this now-closed case.

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10 DATED: July 13, 2021.



11 RICHARD F. BOULWARE, II  
12 UNITED STATES DISTRICT JUDGE  
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